

## **RESPONSE**

The undersigned would hereby submit the following in reference to the specific concerns the examiner raised in the Office Action Summary dated January 24, 2006.

### **CLAIM OBJECTIONS**

The examiner has indicated that a period appears in the middle of claim 15 and correction should be made. The undersigned has amended the claims to address that concern.

### **REJECTIONS UNDER 35 USC 112**

The examiner has indicated that it is unclear how the term "concentric" circle is used and that the application does not clearly point out the invention in this case. The undersigned has addressed those concerns of the examiner by adding additional material to the specification and by appropriate amendments to the Claims.

The following language has been added to the specification at page 7, lines 7 - 21:

"The indented circle to secure the pint size can 800 is indented to a greater depth so that the bottom of the pint size can will rest flush against the top surface of the base. The indented circle to secure the quart size can 900 is indented to a lesser depth so that the bottom of the

quart size can will rest on the top surface of the base. This arrangement of one circle within another gives the appearance of concentric circles, which are offset from each other."

No new matter has been added. A clean copy and a marked up copy of the specification has been submitted with this response.

#### **REJECTIONS UNDER 35 USC 102**

Claim 1 and 15 are rejected as being anticipated by Lehman, U.S. Patent 4,901,846. The Lehman device is a tool to carry artist paints and contains a multitude of indentations or cavities and two plates to secure the cans in position.

With regard to Claim 1 the Lehman patent discloses a device with the following:

- a. base;
- b. spindle;
- c. clamp;
- d. compression spring;
- e. handle.

With respect to Claim 15 the Lehman device teaches a compression spring to secure the objects in the appropriate positions. The Lehman device consists of two circular pieces with a series of indentations to carry the cans of acrylic paints. The cans of paints fit completely within the

indentations on the plates and the spring compresses the plates - top and bottom - against the cans to secure them into position. The contents of the cans cannot be accessed without removing the can from between the plates.

The current device teaches a flat base member with a series of indented circles to carry the cans. There are two circles to accommodate two standard sized cans - a pint and a quart. The circles have different centers and therefore have the appearance of being concentric. The smaller circle is indented into the top surface of the base more than the larger circle. The cans themselves are secured to the current device with the clamp with the recessed grooves, which is compressed by the spring. The recessed grooves on the current device fit over the top lip of the can and provide the position on the device where the cans are secured. This type of securing means is a different structure than the one contemplated or taught by Lehman.

The advantage to the current application is that the worker can access the contents of the can without removing the can or cans from the device. In this type of can there is usually an applicator, which can be removed as necessary and replaced as necessary and the applicator is typically in the center of the can. This device allows access to the contents of the cans without removing the cans from the device and yet still insures that the cans are securely positioned on the device.

### REJECTIONS UNDER 35 USC § 103

The examiner has rejected Claims 2 and 3 as being unpatentable over Lehman in view of Distler U. S. Patent number 6,036,020. Distler teaches a tray with concentric circles. The purpose of the concentric circles in the present device is to provide a space onto which the can is positioned during carrying the device. Because the type of material that is commonly used in the construction trade and particularly the plumbing trade comes in two standard sizes - a pint and a quart - two circles are used.

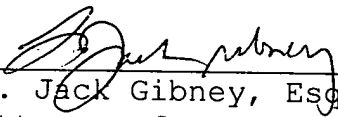
Other grounds of rejection center on the choice of material to construct the device. The examiner has correctly pointed out that the choice of materials is not critical and the undersigned has canceled the claims related to the choice of material.

Additionally the undersigned concedes that the size of the hole for the spindle is likewise not critical. Another reference that is cited by the examiner is Pinckard U.S. Patent 4,277,006 which teaches a clamp with two recessed and curved groove which clamps the object being carried i.e. roller skates.

### ARGUMENT

The undersigned has clarified the meaning of the term "concentric circles" and amended the claims to distinctly point out the invention in this case and to better define exactly what is being considered as the invention. The advantage to this type of device is that the worker can carry two same sized cans, access the contents of the cans and then cover the contents of the cans without ever needing to remove the cans from the device.

It is hoped that the examiner review these comments and the amendments to the claims and put this application in line for allowance.

  
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**CERTIFICATE OF MAILING**

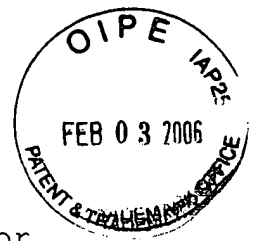
I hereby certify that this document for 10/681,436 is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated below and is addressed to Harry Mumford, 2527 Jimmy Conner Place, Bryceville, Florida 32009 and to:

Commissioner for Patents, Alexandria, VA 22313-1450.

By: Lawrence J. Gibney, Jr.

Print Name: Lawrence J. Gibney, Jr.

Date: February 2, 2006

DETAILED DESCRIPTION

According to Figure 1 this device consists of a bottom or base section ~~(100)~~, a clamp ~~(200)~~, a spindle 300, which is threaded on both ends ~~(300)~~, a spring ~~(400)~~ and a T handle ~~(500)~~. The bottom section ~~(100)~~ is approximately 11  $\frac{3}{4}$ " inches long by one-half inch thick. The bottom section has a width of approximately 4  $\frac{3}{8}$ " inches. Figure 8 is an exploded view of the device and shows the recessed grooves ~~(220)~~ on the underside of the clamp ~~(200)~~.

In the center of the base section there is a tapped and threaded hole 600, which is approximately one-half inch in diameter ~~(600)~~ (Figure 1).

One end of the threaded spindle ~~(300)~~, is screwed into the hole ~~(600)~~ on the bottom section. The spindle ~~(300)~~ extends through a hole in the center of the clamp ~~(200)~~ and through a hole in the center ~~(510)~~ of the T handle ~~(300)~~. It is secured in place by a hex nut ~~(700)~~.

On the top of the bottom or base section ~~(600)~~ two recessed concentric circles, ~~(800 and 900)~~, are formed on the top surface of the base section. These concentric circles allow a quart and pint jar to be securely positioned in the device. According to Figure 1, a pint size and quart size can have been drawn to demonstrate the placement within the recessed concentric circles.

The recessed concentric circles ~~(800, 900)~~ are slightly greater than the diameter of the bottom of each of the size cans

so that the cans will fit securely in the respective recessed concentric circle on the top surface of the base section of the device. The concentric circles are recessed to a depth of .187 inches for the quart size and .375 inches for the pint size can.

The indented circle to secure the pint size can 800 is indented to a greater depth so that the bottom of the pint size can will rest flush against the top surface of the base. The indented circle to secure the quart size can 900 is indented to a lesser depth so that the bottom of the quart size can will rest on the top surface of the base. This arrangement of one circle within another gives the appearance of concentric circles, which are offset from each other.

There are two sets of identical recessed concentric circles on each side of the base section as depicted in Figure 1 and are equally spaced from the midpoint of the base section. Figure 6 shows a pint size can in place and the recessed ring for the quart size can.

A spindle 300, which is secured in the hole at the bottom of the base section as depicted in Figure 1 ~~+600+~~ is inserted into the hole ~~+600+~~ which has been tapped and threaded in the center of the base section and the spindle is secured at the top by a hex nut ~~+700+~~. The spindle is approximately 8 ½" inches long and is threaded at both ends.

The device may be made from a variety of materials, but stainless steel is preferable because it is non-corrosive and



1 durable. It may also be made from aluminum or molded plastic  
2  
3 depending on the specific needs of a job.  
4

5 The spindle is screwed into the hole +600+ in the middle of  
6  
7 the base section and is inserted through the hole in the center of  
8  
9 the clamp +200+ and through the hole in the center of the T  
10  
11 handle +500+. A spring +400+ is inserted over the spindle and is  
12  
13 positioned between the top surface of the clamp and the bottom  
14  
15 surface of the T handle.  
16

17 The T-shaped handle +500+ is approximately 5" inches in  
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19 length. This will allow the tradesman to pick up this device with  
20  
21 one hand.  
22

23 Between the T-handle and the base section there is a clamp  
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25 +200+ (Figure 1). A hole in the middle of the clamp allows the  
26  
27 spindle to pass through the center of the clamp. The hole in the  
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29 middle of the clamp is approximately one-half inch in diameter.  
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31 The spindle is inserted through the middle of the clamp. The  
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33 clamp freely moves up and down in a vertical fashion once the  
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35 device is assembled. The clamp is approximately  $2 \frac{3}{16}$  inches in  
36  
37 length. The clamp is equipped with one inch +210+ rods, which are  
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39 inserted into a hole, which has been tapped and threaded on each  
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41 side of the clamp. A lock nut +215+ secures the rods +210+ in  
42  
43 place. These rods allow the tradesman to pull the clamp up and  
44  
45 remove the can(s) easily. The rods +210+ extend approximately one  
46  
47 inch from the sides of the clamp and are perpendicular to the  
48  
49 sides of the clamp.  
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1 On the bottom surface of the clamp ~~(200)~~ recessed grooves  
2  
3 ~~(220)~~ have been placed on the underside of the clamp (Figure 8).  
4  
5 The recessed curved grooves have the following approximate  
6  
7 dimensions: 3/16 width, 3/16 diameter with a 1-inch radius. They  
8  
9 are approximately 1 3/8 inches apart on the underside of the  
10  
11 clamp.

12  
13 The purpose of the recessed grooves ~~(200)~~ is to allow this  
14  
15 device to be clamped to the top lid of the can so that the cans  
16  
17 are held securely in place by the downward pressure, which is  
18  
19 exerted by the spring ~~(400)~~.

20  
21 Between the top of the clamp ~~(200)~~ and the underside of the  
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23 T-handle, a compression spring ~~(400)~~ is placed to force the clamp  
24  
25 on the top of the cans (Figure 1). Without this spring the cans  
26  
27 would not remain in place.

28  
29 The specifics of the compression spring are not relevant to  
30  
31 this particular patent; however there must be sufficient downward  
32  
33 pressure on the cans to ensure a tight and secure placement of the  
34  
35 cans in the device.

36  
37 It is contemplated that this device will be made from  
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39 durable, non-corrosive materials including but not limited to  
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41 stainless steel, aluminum and molded plastic.  
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